

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1894

By: Sykes

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5
6 AS INTRODUCED

7 An Act relating to judicial conduct; stating duties
8 and obligations of judges; establishing adjudicative
9 responsibilities of judges; establishing standards
10 and requirements for extrajudicial, avocational,
11 governmental, civic, charitable, financial and
12 fiduciary activities of judges; prohibiting the
13 practice of law by judges; establishing requirements
14 for judicial candidates; stating applicability of
15 act; creating the Judicial Ethics Advisory Panel;
16 establishing duties and obligations of Panel;
17 providing for codification; and providing an
18 effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 101 of Title 5, unless there is
22 created a duplication in numbering, reads as follows:

23 A. A judge shall respect and comply with the law and act at all
24 times in a manner that promotes public confidence in the integrity
and impartiality of the judiciary.

B. A judge shall not allow family, social, political or other
relationships to influence the judge's judicial conduct or judgment.

A judge shall not lend the prestige of judicial office to advance

1 the private interests of the judge or others; nor shall a judge
2 convey or permit others to convey the impression that they are in a
3 special position to influence the judge. A judge shall not testify
4 voluntarily as a character witness.

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 102 of Title 5, unless there is
7 created a duplication in numbering, reads as follows:

8 A. Judicial Duties in General. The judicial duties of a judge
9 take precedence over all the judge's other activities. The judge's
10 judicial duties include all the duties of the judge's office
11 prescribed by law. In performance of those duties, the following
12 standards apply.

13 B. Adjudicative Responsibilities.

14 1. A judge shall be faithful to the law and maintain
15 professional competence in it. A judge shall not be swayed by
16 partisan interests, public clamor or fear of criticism.

17 2. A judge shall require order and decorum in proceedings
18 before the judge.

19 3. A judge shall be patient, dignified and courteous to
20 litigants, jurors, witnesses, lawyers and others with whom he the
21 judge deals in official capacity, and shall require similar conduct
22 of lawyers, and of his or her staff, court officials and others
23 subject to the judge's direction and control.

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1 4. A judge shall perform judicial duties without bias or
2 prejudice. A judge shall not, in the performance of judicial
3 duties, by words or conduct manifest bias or prejudice, including
4 but not limited to bias or prejudice based upon race, sex, religion,
5 national origin, disability, age, sexual orientation or
6 socioeconomic status, and shall not permit staff, court officials
7 and others subject to the judge's direction and control to do so.

8 5. A judge shall require lawyers in proceedings before the
9 judge to refrain from manifesting, by words or conduct, bias or
10 prejudice based upon race, sex, religion, national origin,
11 disability, age, sexual orientation or socioeconomic status, against
12 parties, witnesses, counsel or others. This paragraph does not
13 preclude legitimate advocacy when race, sex, religion, national
14 origin, disability, age, sexual orientation or socioeconomic status,
15 or other similar factors, are issues in the proceeding.

16 6. A judge shall accord to every person who has a legal
17 interest in a proceeding, or that person's lawyer, the right to be
18 heard according to law. A judge shall not initiate, nor consider ex
19 parte communications, or consider other communications made to the
20 judge outside the presence of the parties concerning a pending or
21 impending proceeding except that:

- 22 a. Where circumstances require, ex parte communications
23 for scheduling, administrative purposes or emergencies
24 that do not deal with substantive matters or issues on

1 the merits are authorized; provided that the judge
2 reasonably believes that no party will gain a
3 procedural or tactical advantage as a result of the ex
4 parte communication.

5 b. A judge may obtain the advice of a disinterested
6 expert on the law applicable to a proceeding before
7 the judge if the judge gives notice to the parties of
8 the person consulted and the substance of the advice,
9 with a record being made, and affords the parties
10 reasonable opportunity to respond.

11 c. A judge may consult with court personnel whose
12 function is to aid the judge in carrying out the
13 judge's adjudicative responsibilities or with other
14 judges.

15 d. A judge may initiate or consider any ex parte
16 communications when expressly authorized by law to do
17 so.

18 7. A judge shall dispose of all judicial matters promptly,
19 efficiently and fairly.

20 8. A judge shall not, while a proceeding is pending or
21 impending in any court, make any public comment that might
22 reasonably be expected to affect the outcome or impair its fairness
23 or make any nonpublic comment that might substantially interfere
24 with a fair trial or hearing. The judge shall require similar

1 abstention on the part of court personnel subject the judge's
2 direction and control. This paragraph does not prohibit judges from
3 making public statements in the course of their official duties or
4 from explaining for public information the procedures of the court.
5 This paragraph does not apply to proceedings in which the judge is a
6 litigant in a personal capacity.

7 9. Except as permitted by the individual judge, the use of
8 cameras, television or other recording or broadcasting equipment is
9 prohibited in a courtroom or in the immediate vicinity of a
10 courtroom.

11 a. Before cameras, television or other recordings or
12 broadcasting equipment are used, express permission of
13 the judge shall be obtained.

14 b. The judge shall prescribe the conditions and specific
15 rules under which such equipment may be used.

16 c. Media personnel shall not distract participants or
17 impair the dignity of the proceedings.

18 d. No witness, juror or party who expresses any objection
19 to the judge shall be photographed nor shall the
20 testimony of such a witness, juror or party be
21 broadcast or telecast.

22 e. There shall be no photographing or broadcasting of:

23 (1) any proceeding which under the laws of this State
24 are required to be held in private, or

1 (2) any portion of any criminal proceedings until the
2 issues have been submitted to the jury for
3 determination unless all accused persons who are
4 then on trial shall have affirmatively, on the
5 record, given their consent to the photographing
6 or broadcasting.

7 f. No media representative shall offer, nor shall any
8 party, witness or juror accept, consideration in
9 exchange for consent to telecast, broadcast or
10 photograph the judicial proceeding.

11 g. Representatives of the news media shall conduct
12 themselves at all times in a professional manner
13 consistent with the spirit and intent of this rule.
14 In order to ensure such conduct, if such conduct of
15 the news media which violates any of these rules is
16 brought to the attention of any judge, the offending
17 person shall be notified to immediately cease and
18 desist such activity. If the offending party refuses
19 to comply with the order, the judge may act to end
20 such activity, including the seizure of the equipment
21 of such person. Any offender may be dealt with for
22 contempt of court.

23 10. A judge shall not commend or criticize jurors for their
24 verdict other than in a court order or opinion in a proceeding, but

1 may express appreciation to jurors for their service to the judicial
2 system and the community.

3 C. Managerial Responsibilities.

4 1. A judge shall diligently discharge the judge's managerial
5 responsibilities, without bias or prejudice and maintain
6 professional competence in judicial administration, and shall
7 cooperate with other judges and court officials in the
8 administration of court business.

9 2. A judge shall require staff, court officials and others
10 subject to the judge's direction and control to observe the
11 standards of fidelity and diligence that apply to the judge and to
12 refrain from manifesting bias or prejudice in the performance of
13 their official duties.

14 3. A judge with supervisory authority for the judicial
15 performance of other judges shall take reasonable measures to assure
16 the prompt disposition of matters before them and the proper
17 performance of their other judicial responsibilities.

18 4. A judge shall not make unnecessary appointments. A judge
19 shall exercise the power of appointment impartially and on the basis
20 of merit. A judge shall avoid nepotism and favoritism. A judge
21 shall not approve compensation of appointees beyond the fair value
22 of services rendered.

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1 D. Disciplinary Responsibilities. A judge shall report to the
2 appropriate disciplinary authority any unprofessional conduct of a
3 judge or lawyer of which the judge may become aware.

4 E. Disqualification.

5 1. A judge shall disqualify himself or herself in a proceeding
6 in which the judge's impartiality might reasonably be questioned,
7 including but not limited to instances where:

8 a. the judge has a personal bias or prejudice concerning
9 a party or a party's lawyer, or personal knowledge of
10 disputed evidentiary facts concerning the proceeding;

11 b. the judge served as a lawyer in the matter in
12 controversy, or a lawyer with whom the judge
13 previously practiced law served during such
14 association as a lawyer concerning the matter, or the
15 judge has been a material witness concerning it;

16 c. The judge knows that he or she, individually or as a
17 fiduciary, or the judge's spouse, parent or child
18 wherever residing, or any other member of the judge's
19 family residing in the judge's household, has an
20 economic interest in the subject matter in controversy
21 or has an interest more than de minimis that could be
22 substantially affected by the proceeding;

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1 d. The judge or the judge's spouse, or a person within
2 the third degree of relationship to either of them, or
3 the spouse of such a person:

4 (1) is a party to the proceeding, or an officer,
5 director or trustee of a party,

6 (2) is acting as a lawyer in the proceeding,

7 (3) is known by the judge to have an interest more
8 than de minimis that could be substantially
9 affected by the proceeding,

10 (4) is to the judge's knowledge likely to be a
11 material witness in the proceeding.

12 2. A judge shall keep informed about the judge's personal and
13 fiduciary economic interests, and make a reasonable effort to keep
14 informed about the personal economic interests of the judge's spouse
15 and minor children residing in the judge's household.

16 F. Remittal of Disqualification. A judge disqualified by the
17 terms of subsection E of this section may disclose on the record the
18 basis of the judge's disqualification. If following disclosure of
19 any basis for disqualification other than personal bias or prejudice
20 concerning a party, the parties and lawyers, without participation
21 by the judge, all agree that the judge shall not be disqualified,
22 and the judge is then willing to participate, the judge may
23 participate in the proceeding. The agreement shall be incorporated
24 in the record of the proceeding.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 103 of Title 5, unless there is
3 created a duplication in numbering, reads as follows:

4 A. Extrajudicial Activities in General. A judge shall conduct
5 all of the judge's extrajudicial activities so that they do not:

6 1. Cast reasonable doubt on the judge's capacity to act
7 impartially as a judge;

8 2. Demean the judicial office; or

9 3. Interfere with the proper performance of judicial duties.

10 B. Avocational Activities. A judge may speak, write, lecture,
11 teach and participate in other extrajudicial activities concerning
12 the law, the legal system, the administration of justice and
13 nonlegal subjects, subject to the requirements of this act.

14 C. Governmental, Civic or Charitable Activities.

15 1. A judge may appear at a public hearing before or consult
16 with an executive or legislative body or official on matters
17 concerning the law, the legal system, or the administration of
18 justice.

19 2. A judge shall not accept appointment to a governmental
20 committee or commission or other governmental position that is
21 concerned with issues of fact or policy on matters other than the
22 improvement of the law, the legal system or the administration of
23 justice unless with specific approval of the Supreme Court. A judge
24 may, however, represent a country, state or locality on ceremonial

1 occasions or in connection with historical, educational or cultural
2 activities.

3 3. A judge may serve as an officer, director, trustee or
4 nonlegal advisor of an organization or governmental agency devoted
5 to the improvement of the law, the legal system or the
6 administration of justice or of an educational, religious,
7 charitable, fraternal or civic organization not conducted for
8 profit, subject to the following limitations and the other
9 requirements of this act.

10 a. A judge shall not serve as an officer, director,
11 trustee or nonlegal advisor if it is likely that the
12 organization:

13 (1) will be engaged in proceedings that would
14 ordinarily come before the judge, or

15 (2) will be engaged frequently in adversary
16 proceedings in the court of which the judge is a
17 member or in any court subject to the appellate
18 jurisdiction of the court of which the judge is a
19 member.

20 b. A judge as an officer, director, trustee or nonlegal
21 advisor, or as a member or otherwise:

22 (1) may assist such an organization in planning fund-
23 raising and may participate in the management and
24 investment of the organization's funds, but shall

1 not personally participate in the solicitation of
2 funds or other fund-raising activities,

3 (2) may make recommendations to public and private
4 fund-granting organizations on projects and
5 programs concerning the law, the legal system or
6 the administration of justice,

7 (3) shall not personally participate in membership
8 solicitation if the solicitation might reasonably
9 be perceived as coercive or, except as permitted
10 in division (1) of this subparagraph, if the
11 membership solicitation is essentially a fund-
12 raising mechanism,

13 (4) shall not use or permit the use of the prestige
14 of judicial office for fund-raising or membership
15 solicitation.

16 D. Financial Activities.

17 1. A judge shall not engage in financial and business dealings
18 that:

- 19 a. may reasonably be perceived to exploit the judge's
20 judicial position, or
21 b. involve the judge in frequent transactions or
22 continuing business relationships with those lawyers
23 or other persons likely to come before the court on
24 which the judge serves.

1 2. A judge may, subject to the requirements of this act, hold
2 and manage investments of the judge and members of the judge's
3 family, including real estate, and engage in other remunerative
4 activity.

5 3. A judge shall not serve as an officer, director, manager,
6 general partner, advisor or employee of any business entity except
7 that a judge may, subject to the requirements of this act, manage
8 and participate in:

9 a. a business closely held by the judge or members of the
10 judge's family, or

11 b. a business entity primarily engaged in investment of
12 the financial resources of the judge or members of the
13 judge's family.

14 4. A judge shall manage the judge's investments and other
15 financial interests to minimize the number of cases in which the
16 judge is disqualified. As soon as the judge can do so without
17 serious financial detriment, the judge shall divest himself or
18 herself of investments and other financial interests that might
19 require frequent disqualifications.

20 5. A judge shall not accept, and shall urge members of the
21 judge's family residing in the judge's household, not to accept, a
22 gift, bequest, favor or loan from anyone except for:

23 a. a gift incidental to a public testimonial, books,
24 tapes and other resource materials supplied by

1 publishers on a complimentary basis for official use,
2 or an invitation to the judge and the judge's spouse
3 or guest to attend a bar-related function or an
4 activity devoted to the improvement of the law, the
5 legal system or the administration of justice,

6 b. a gift, award or benefit incident to the business,
7 profession or other separate activity of a spouse or
8 other family member of a judge residing in the judge's
9 household, including gifts, awards and benefits for
10 the use of both the spouse or other family member and
11 the judge, as spouse or family member, provided the
12 gift, award or benefit could not reasonably be
13 perceived as intended to influence the judge in the
14 performance of judicial duties,

15 c. ordinary social hospitality,

16 d. a gift from a relative or friend, for a special
17 occasion, such as a wedding, anniversary or birthday,
18 if the gift is fairly commensurate with the occasion
19 and the relationship,

20 e. a gift, bequest, favor or loan from a relative or
21 close personal friend whose appearance or interest in
22 a case would in any event require disqualification
23 under subsection E of Section 3 of this act,
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1 f. a loan from a lending institution in its regular
2 course of business on the same terms generally
3 available to persons who are not judges,

4 g. a scholarship or fellowship award on the same terms
5 and based on the same criteria applied to other
6 applicants, or

7 h. any other gift, bequest, favor or loan, but only if
8 the donor is not a party or other person who has come
9 or is likely to come or whose interests have come or
10 likely to come before the judge; and the judge reports
11 it as may be required by law.

12 E. Fiduciary Activities.

13 1. A judge shall not serve as executor, administrator or other
14 personal representative, trustee, guardian, attorney in fact or
15 other fiduciary, except for the estate, trust or person of a member
16 of the judge's family, and then only if such service will not
17 interfere with the proper performance of judicial duties.

18 2. A judge shall not serve as fiduciary if it is likely that
19 the judge as a fiduciary will be engaged in proceedings that would
20 ordinarily come before the judge, or if the estate, trust or ward
21 becomes involved in adversary proceedings in the court on which the
22 judge serves or one under its appellate jurisdiction.

1 3. The same restrictions on financial activities that apply to
2 a judge personally also apply to the judge while acting in a
3 fiduciary capacity.

4 F. Service as Arbitrator or Mediator. A judge shall not act as
5 an arbitrator or mediator. A retired judge who is eligible for
6 recall may act as an arbitrator or mediator except while serving as
7 a judge. A retired judge who acts as an arbitrator or mediator in a
8 matter may not thereafter act as a judge in the same matter. A
9 retired judge who acts as an arbitrator or mediator may receive
10 reasonable compensation to be paid by the parties. A retired judge,
11 as the term is used, is one who had been approved by the Supreme
12 Court for active service or otherwise perform judicial functions in
13 a private capacity unless expressly authorized by law.

14 G. Practice of Law. A judge shall not practice law.
15 Notwithstanding, a judge may, without compensation, give legal
16 advice to and draft or review documents for a member of the judge's
17 family. A judge may appear pro se in a matter in which he is a
18 litigant.

19 SECTION 4. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 104 of Title 5, unless there is
21 created a duplication in numbering, reads as follows:

22 A. All Judges and Candidates.

23 1. Except as authorized herein a judge or a candidate for
24 election or appointment to judicial office shall not:

- a. act as a leader of or hold an office in a political organization,
- b. publicly endorse or publicly oppose another candidate for public office,
- c. make speeches on behalf of a political organization or candidate or publicly endorse a candidate for public office, or
- d. solicit funds for, or pay an assessment to or make a contribution to a political organization or candidate, or purchase tickets for political party dinners or other functions.

2. A judge shall resign from judicial office upon becoming a candidate for a nonjudicial office either in a primary or in a general election, except that the judge may continue to hold judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention if the judge is otherwise permitted by law to do so.

3. A candidate for judicial office:

- a. shall maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary, and shall encourage members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate,

1 b. shall prohibit employees and officials who serve at
2 the pleasure of the candidate, and shall discourage
3 other employees and officials subject to the
4 candidate's direction and control from doing on the
5 candidate's behalf what the candidate is prohibited
6 from doing under this act,

7 c. except to the extent permitted by paragraph 2 of
8 subsection C of this section, shall not authorize or
9 knowingly permit any other person to do for the
10 candidate what the candidate is prohibited from doing
11 under the provisions of this section,

12 d. shall not:

13 (1) make pledges or promises of conduct in office
14 other than the faithful and impartial performance
15 of the duties of the office,

16 (2) make statements that commit or appear to commit
17 the candidate with respect to cases,
18 controversies or issues that are likely to come
19 before the court, or

20 (3) knowingly misrepresent the identity,
21 qualifications, present position or other fact
22 concerning the candidate or an opponent,

1 e. may respond to personal attacks or attacks on the
2 candidate's record as long as the response does not
3 violate subparagraph d of this paragraph.

4 B. Candidates Seeking Appointment to Judicial or Other
5 Governmental Office.

6 1. A candidate for appointment to judicial office or a judge
7 seeking other governmental office shall not solicit or accept funds,
8 personally or through a committee or otherwise, to support his or
9 her candidacy.

10 2. A candidate for appointment to judicial office or a judge
11 seeking other governmental office shall not engage in any political
12 activity to secure the appointment except that:

13 a. such persons may:

14 (1) communicate with the appointing authority,
15 including any selection or nominating commission
16 designated to screen candidates, or members
17 thereof;

18 (2) seek support or endorsement for the appointment
19 from organizations that regularly make
20 recommendations for reappointment or appointment
21 to the office, and from individuals to the extent
22 requested or required by those specified in this
23 subparagraph; and
24

1 (3) provide to those specified in divisions (1) and
2 (2) of this subparagraph information as to his or
3 her qualifications for the office.

4 C. Judges and Candidates Subject to Public Election.

5 1. A judge or candidate subject to public election may, except
6 as prohibited by law:

- 7 a. speak to gatherings on his or her own behalf,
- 8 b. appear in newspaper, television and other media
9 advertisements supporting his or her candidacy,
- 10 c. distribute pamphlets and other promotional campaign
11 literature supporting his or her candidacy, and
- 12 d. publicly endorse or publicly oppose other candidates
13 for the same judicial office in a public election in
14 which the judge or judicial candidate is running.

15 2. A candidate shall not personally solicit campaign
16 contributions or personally solicit publicly stated support. A
17 candidate may, however, establish committees of responsible persons
18 to conduct campaigns for the candidate through media advertisements,
19 brochures, mailings, candidate forums and other means not prohibited
20 by law. Such committees may solicit and accept reasonable campaign
21 contributions, manage the expenditure of funds for the candidate's
22 campaign and obtain public statements of support for his or her
23 candidacy. Such committees are not prohibited from soliciting and
24 accepting reasonable campaign contributions and public support from

1 lawyers. A candidate's committees may solicit and accept
2 contributions and public support for the candidate's campaign no
3 earlier than ninety (90) days before an election filing period and
4 no later than thirty (30) days after the last election in which the
5 candidate participates during the election year. A candidate shall
6 not use or permit the use of campaign contributions for the private
7 benefit of the candidate or others.

8 D. Incumbent Judges on Retention Ballot. An incumbent judge or
9 justice who is a candidate for retention in or re-election to office
10 without a competing candidate, and whose candidacy has drawn active
11 opposition, may campaign in response thereto and may obtain publicly
12 stated support and campaign funds in the manner provided herein.

13 E. Applicability. This section generally applies to all
14 incumbent judges and judicial candidates. A successful candidate,
15 whether or not an incumbent, is subject to judicial discipline for
16 his or her campaign conduct; an unsuccessful candidate who is a
17 lawyer is subject to lawyer discipline for his or her campaign
18 conduct.

19 F. On October 5, 1998, and in all judicial elections
20 thereafter, within ten (10) days after formally announcing and
21 qualifying for election or re-election to any judicial office in
22 this state, whichever is earlier, all candidates, including
23 incumbent judges, shall forward written notice of such candidacy,
24 together with an appropriate mailing address, to the Administrative

1 Director of the Courts. Upon receipt of such notice, the
2 Administrative Director shall cause to be distributed to all such
3 candidates by registered mail, return receipt requested, copies of
4 the following: This section; summaries of all previous Formal
5 Advisory Opinions, if any, issued by the Judicial Ethics Panel which
6 relate in any way to campaign conduct and practices; and a form
7 acknowledgment which each candidate shall promptly return to the
8 Administrative Director of the Courts and therein certify that
9 he/she has read and understands the material forwarded and agrees to
10 be bound by such standards during the course of the campaign. A
11 failure to comply with this section shall constitute a per se
12 violation of this section. Upon request, the documents executed by
13 a candidate for judicial election in accordance with this rule shall
14 be made available to General Counsel of the Oklahoma Bar
15 Association, the Panel on judicial Elections, the Council on
16 Judicial Complaints, and the Oklahoma Supreme Court.

17 SECTION 5. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 105 of Title 5, unless there is
19 created a duplication in numbering, reads as follows:

20 A. Anyone, whether or not a lawyer, who is an officer of a
21 judicial system and who performs judicial functions, including an
22 officer such as an administrative law judge, magistrate, court
23 commissioners, special master or referee, is a judge within the
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1 meaning of this act. All judges shall comply with this act except
2 as provided below.

3 B. Retired Judge Subject to Recall. A retired judge subject to
4 recall who by law is not permitted to practice law is not required
5 to comply:

6 1. Except while serving as a judge, with subsection F of
7 Section 4 of this act; and

8 2. At any time with subsection E of Section 4 of this act.

9 C. Continuing Part-time Judge. A continuing part-time judge:

10 1. Is not required to comply:

11 a. except while serving as a judge, with paragraph 9 of
12 subsection B of Section 3 of this act, and

13 b. at any time with subsection C of Section 2 of this
14 act, paragraph 2 of subsection C, paragraph 3 of
15 subsection D, paragraph 1 of subsection E, and
16 subsections F and G of Section 4 of this act, and
17 paragraph 1 of subsection A, paragraph 2 of subsection
18 B and subsection D of Section 5 of this act.

19 2. Shall not practice law in the court on which the judge
20 serves and shall not act as a lawyer in a proceeding in which the
21 judge has served as a judge or in any other proceeding related
22 thereto.

23 D. Periodic Part-time Judge. A periodic part-time judge is a
24 municipal judge who serves on a continuing or periodic basis but is

1 permitted by law to devote time to some other profession or
2 occupation and whose compensation for that reason is less than that
3 of a full-time judge.

4 1. A periodic part-time judge is not required to comply:

5 a. except while serving as a judge, with paragraph 9 of
6 subsection B of Section 3 of this act,

7 b. at any time, with subsection C of Section 2 of this
8 act, paragraph 2 of subsection C, subparagraph a of
9 paragraph 3 of subsection C, subparagraph b of
10 paragraph 1 of subsection D, paragraphs 3, 4 and 5 of
11 subsection D, and subsections E, F and G of Section 4
12 of this act, and paragraph 1 of subsection A,
13 paragraph 2 of subsection B and subsection D of
14 Section 5 of this act.

15 2. A periodic part-time judge shall not practice law in the
16 court on which the judge serves and shall not act as a lawyer in a
17 proceeding in which the judge has served as a judge or in any other
18 proceeding related thereto.

19 E. Pro Tempore Part-time Judge. A pro tempore part-time judge
20 is a person who is appointed to act temporarily as a judge.

21 1. A pro tempore part-time judge is not required to comply:

22 a. except while serving as a judge, with subsections A
23 and B of Section 2 of this act, paragraph 9 of
24

1 subsection B of Section 3 of this act, and paragraph 1
2 of subsection C of Section 4 of this act,

3 b. at any time with subsection C of Section 2 of this
4 act, paragraph 2 of subsection C, subparagraphs a and
5 b of paragraph 3 of subsection C, subparagraph b of
6 paragraph 1 of subsection D, paragraphs 3, 4 and 5 of
7 subsection D, and subsections E, F and G of Section 4
8 of this act, and paragraphs 1 and 2 of subsection A,
9 paragraph 2 of subsection B and subsection D of
10 Section 5 of this act.

11 2. A person who has been a pro tempore part-time judge shall
12 not act as a lawyer in a proceeding in which the judge has served as
13 a judge or in any other proceeding related thereto except as
14 otherwise permitted by Oklahoma Rules of Professional Conduct.

15 F. Time and Compliance. A person to whom this act becomes
16 applicable shall comply immediately with all provisions of this Code
17 except paragraphs 2 and 3 of subsection D and subsection E of
18 Section 4 of this act and shall comply with these Sections as soon
19 as reasonably possible and shall do so in any event within the
20 period of one year.

21 G. Creation of the Judicial Ethics Advisory Panel.

22 1. Pursuant to the Administrative Authority vested in this
23 Court by Section 6 of Article VII of the Oklahoma Constitution, and
24 the rule making authority of this Court as provided by Section 24 of

1 Title 20 of the Oklahoma Statutes, there is hereby created a
2 judicial ethics advisory panel to serve as an advisory committee for
3 judges seeking opinions concerning the compliance of an intended
4 future course of conduct with the Code of Judicial Conduct. The
5 panel shall consist of no more than three retired justices or judges
6 who shall be appointed by the Chief Justice to staggered terms on
7 the panel. One member shall be appointed for a term of two (2)
8 years, commencing January 1, 1998; second member shall be appointed
9 for a term of three (3) years, commencing January 1, 1998; and the
10 third member shall be appointed for a term of four (4) years,
11 commencing January 1, 1998. Nothing in this Rule will prevent a
12 member of the panel from serving successive terms if approved by the
13 Supreme Court. In the event a vacancy on the panel occurs for any
14 reason, the person appointed as successor member will be appointed
15 to fill the unexpired term of the former member. Members of the
16 advisory panel shall be reimbursed in accordance with Section 1104
17 of Title 20 of the Oklahoma Statutes. The Administrative Director
18 of the Court is directed to provide the panel with office space and
19 secretarial assistance sufficient to meet the needs and requirements
20 of the panel.

21 2. A request for a judicial ethics advisory opinion shall be
22 directed to the Clerk of the Appellate Courts who shall forward the
23 request to the panel if the requirements of this rule are satisfied.
24 Requests will be accepted only from presently elected or appointed

1 Justices or judges, active retired judges or retired judges, or any
2 bona fide candidate for judicial office. The term "Judge" as used
3 herein shall include Justices, Judges, retired or active retired
4 Judges, and bona fide candidates for judicial office.

5 3. Requests for Judicial Ethics Advisory Opinions shall relate
6 to prospective conduct only and shall contain a complete statement
7 of all facts pertaining to the intended conduct together with a
8 clear, concise question of judicial ethics. The identity of the
9 Judge or judicial candidate, whose proposed conduct is the subject
10 of the request, shall be disclosed to the panel. The requesting
11 Judge or judicial candidate shall include with the request a
12 memorandum setting forth any research or opinions the Judge may have
13 concerning the question and the particular canon in question.
14 Requests shall not be accepted or referred for opinion unless
15 accompanied by this memorandum.

16 4. Advisory opinions shall address only whether an intended,
17 future course of conduct violates the Code of Judicial Conduct and
18 shall provide an interpretation of the Code with regard to the
19 factual situation presented. The opinion shall not address issues
20 of law nor shall it address the ethical propriety of past or present
21 conduct. The identity of the requesting judge or judicial candidate
22 shall not be disclosed in the opinion.

23 5. The Clerk shall provide a copy of each advisory opinion to
24 the Chief Justice, the Council on Judicial Complaints, and the

1 requesting judge or candidate for judicial office, and the state law
2 library. The Clerk shall keep the original opinion in a permanent
3 file.

4 6. The fact that a judge or candidate for judicial office has
5 requested and relies upon an advisory opinion may be taken into
6 account by the Council on Judicial Complaints in its disposition of
7 complaints and in determining whether to recommend to the
8 statutorily authorized person or entity discipline of a judge or
9 judicial candidate. The advisory opinion shall not be binding on
10 the Council on Judicial Complaints or Court on the Judiciary in the
11 exercise of their judicial discipline responsibilities.

12 SECTION 6. This act shall become effective November 1, 2014.

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